

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMIRO PEREZ-AVILA,

Defendant.

No. LA CR14-00158 JAK

ORDER FOR EXAMINATION REGARDING  
DEFENDANT'S MENTAL COMPETENCY  
PURSUANT TO 18 U.S.C. § 4241 AND  
INDIANA V. EDWARDS

On December 11, 2014, defendant Ramiro Perez-Avila ("defendant"), by and through his counsel Ellen M. Barry, moved the Court for an order finding that there is reasonable cause to believe that defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the sentencing proceedings or to assist properly in his defense. Furthermore, the defendant has moved for an order allowing him to waive his right to counsel and allowing him to represent himself during the sentencing proceedings in this matter.

Pursuant to 18 U.S.C. § 4241(a) plaintiff United States of America, by and through its counsel, the United States Attorney's Office for the Central District of California, has requested that the Court issue an order pursuant to 18 U.S.C. § 4241(b) requiring that an examination of the defendant be conducted, and that a report be filed with the Court, pursuant to the provisions of section 4247 (b) and (c) prior any hearing on the defendant's motion. The United States has also requested that any such examination and report address the question whether the Defendant is able to carry out the basic tasks needed to represent himself at sentencing without the help of counsel. Indiana v. Edwards, 554 U.S. 164, 177-78 (2008); United States v. Ferguson, 560 F.3d 1060 (9th Cir.2009).

Based on defendant's submissions and on the government's motion, IT IS HEREBY ORDERED that:

1. The defendant is hereby committed to the custody of the Attorney General for placement in a suitable facility for the conduct of an examination of the defendant to determine whether there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to:

- a. understand the nature and consequences of the sentencing proceedings;
- or,
- b. carry out the basic tasks needed to present his positions at the sentencing proceedings without the help of counsel.

2. That the examination of defendant be conducted by the Federal Bureau of Prisons pursuant to 18 U.S.C. § 4241(b).

3. That the Federal Bureau of Prisons is to submit a report to the Court regarding the results of the examination pursuant to 18 U.S.C. § 4241(b) and §4247(c) on or before January 30, 2015.

4. That pursuant to 18 U.S.C. § 4241(d), the Court will hold a hearing on February 12, 2015 at 8:30 a.m., to determine whether there is reasonable cause to believe that the

1 defendant may presently be suffering from a mental disease or defect rendering him mentally  
2 incompetent to the extent that he is unable to understand the nature and consequences of the  
3 sentencing proceedings and to represent himself at those proceedings as he has requested.

4 **IT IS SO ORDERED.**

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6 DATED: December 16, 2014



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8 HONORABLE JOHN A. KRONSTADT  
UNITED STATES DISTRICT JUDGE